

STATUS OF THE PROCESSING OF THE CAMP ASHRAF RESIDENTS

HEARING BEFORE THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS SECOND SESSION

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WEDNESDAY, MAY 16, 2012

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 2:30 p.m., in room 2200 Rayburn House Office Building, Hon. Dana Rohrabacher (chairman of the subcommittee) presiding.

Mr. ROHRABACHER. This hearing is called to order, the Oversight and Investigations Subcommittee of the House Foreign Affairs Committee.

And on February 17th, the first 400 Ashraf MEK members began to relocate to Camp Liberty, which is also now called Camp Hurriya, a former U.S. military base near Baghdad International Airport. This was in accordance with an agreement between the United States and Iraq signed on Christmas Day. The United Nations High Commissioner for Refugees was formally recognized, and has formally recognized the residents of Ashraf as a asylum seekers and persons of concern which entitles them to protection and humane treatment. Since February, over half of the Camp Ashraf residents have been shifted to Camp Liberty for UNHCR processing with the aim of moving them out of Iraq to safety in other countries.

At a court hearing here in the District of Columbia on May 8th, a State Department lawyer trying to defend the continued listing of the MEK as a terrorist organization, claimed that Camp Ashraf had never been inspected by U.S. forces. His implication is that the MEK might not have lived up to its part of the 2003 bargain by which it disarmed in exchange for U.S. protection. The reaction at Camp Ashraf has been for the MEK to halt movement to Camp Liberty and demand an inspection to prove that they are not armed. If the inspection does not take place until after Camp Ashraf is evacuated, false evidence can be planted in the empty camp by Iraqi authorities or Iranian agents. So it would have to take place now while the camp is still in MEK hands.

I would like to know whether the State Department understood the possible effects of their lawyer's argument. Earlier reports implied that matters might be improving and might actually be moving in the right direction toward a delisting of the MEK, but now the whole issue is up in the air for no good reason.

As to the movement that has already taken place, the MEK members have complained that water is in short supply at Camp

Liberty, electricity is also a problem as the camp is not connected to the national grid and the residents rely on small generators. And there are reports that their personal possessions are being looted by Iraqi troops who have not allowed them to move everything to Camp Liberty. Severe restrictions have been placed on the ability of those at Camp Liberty to communicate with the outside world or to see their lawyers. Living conditions are austere, and Iraqi security forces have deployed armored vehicles and heavy weapons around and in the camp.

As of May 10th, only 323 MEK members have been interviewed by the UNHCR, and will Iraq allow such a slow pace to continue and will Iran allow that? If this slow pace continues MEK people will be put in jeopardy. Iraqi hostility and Iranian plotting must be taken seriously in the wake of the April 8th, 2011, attack on Camp Ashraf by Iraqi forces that murdered 34 unarmed civilians and wounded over 300 others. Iraq may have promised the UNHCR that there would be no forced return of the MEK members to Iran, but can the Maliki Government be trusted given its bloody record?

For the record, I have been denied permission to hold investigative hearings on the massacre at Camp Ashraf and to explore why the MEK is still designated as a terrorist organization. It is of great concern that roadblocks have been placed to prevent this Oversight and Investigations Subcommittee from doing its job when it comes to this aspect of American foreign policy.

Here to give us an update on the situation in Iraq is Ambassador Daniel Fried and the State Department's Special Advisor on Camp Ashraf. Before assuming this position, he was special envoy for the closure of Guantanamo detainee facility. Prior to that he served from 2005 to 2009 as assistant secretary for the State for European and Eurasian Affairs. A career member of the Foreign Service, which he joined in 1977, he has served on the National Security Council's of President Obama and Clinton, and was Ambassador to Poland from November 1977 to May 2000, not a calm period in Polish history. So we have with us today a real troubleshooter, proving that they all don't look like John Wayne.

[The prepared statement of Mr. Rohrabacher follows:]

Subcommittee on Oversight and Investigations
Dana Rohrabacher (R-CA), Chairman

May 16, 2012

OPENING STATEMENT

“Status of the Processing of the Camp Ashraf Residents”

On February 17, the first 400 Ashraf MEK members began their relocation to Camp Liberty (which is also now being called Camp Hurriya), a former U.S. military base near Baghdad international airport. This was in accordance with an agreement between the U.S. and Iraq signed on Christmas Day. The United Nations High Commissioner for Refugees (UNHCR) has formally recognized the residents of Ashraf as “asylum seekers” and “persons of concern,” which entitles them to protection and humane treatment. Since February, over half of the Camp Ashraf residents have been shifted to Camp Liberty for UNHCR processing, with the aim of moving them out of Iraq to safety in other countries.

At a court hearing here in DC May 8, a State Dept. lawyer, trying to defend the continued listing of the MEK as a terrorist organization, claimed that Camp Ashraf had never been inspected by U.S. forces. His implication is that the MEK may not have lived up to its part of the 2003 bargain by which it disarmed in exchange for U.S. protection.

The reaction at Camp Ashraf has been for the MEK to halt movement to Camp Liberty and demand an inspection to prove they are not armed. If the inspection does not take place until after Camp Ashraf is evacuated, false evidence can be planted in the empty camp by Iraqi authorities or Iranian agents. So it would have to take place now while the camp is still in MEK hands.

I would like to know whether the State Department understood the possible effect of their lawyer’s argument. Earlier reports implied that matters might be moving in the right direction, towards delisting the MEK, but now the whole issue is up in the air again for no good reason.

As to the movement that has already taken place, the MEK members have complained that water is in short supply at Camp Liberty. Electricity is also a problem, as the camp is not connected to the national grid and the residents rely on small generators. And there are reports that their personal possessions are being looted by Iraqi troops, who have not allowed them to move everything to Camp Liberty.

Severe restrictions have been placed on the ability of those at Camp Liberty to communicate with the outside world or see their lawyers. Living conditions are very austere and Iraq security forces have deployed armored vehicles and heavy weapons around and in the camp.

As of May 10th, only 323 MEK members had been interviewed by the UNHCR. Will Iraq allow such a slow pace to continue? Will Iran allow it?

Iraqi hostility and Iranian plotting must be taken seriously in the wake of the April 8, 2011 attack on Camp Ashraf by Iraqi forces that murdered 34 unarmed civilians and wounded over 300 others. Iraq may have promised the UNHCR that there would be no forced return of MEK members to Iran, but can the Maliki government be trusted given its bloody record?

For the record I have been denied permission to hold investigative hearings on massacre in Camp Ashraf and to explore why the MEK is still designated as a terrorist organization. It is of great concern that roadblocks have been placed to prevent this Oversight and Investigations subcommittee from doing its job when it comes to this aspect of American foreign policy.

Here to give us an update on the situation in Iraq is Ambassador Daniel Fried, the State Department's special advisor on Camp Ashraf. Before assuming this position, he was Special Envoy for Closure of the Guantanamo Detainee Facility. Prior to that, he served from 2005-2009 as Assistant Secretary of State for European and Eurasian Affairs. A career member of the Foreign Service, which he joined in 1977, he has served on the National Security Councils of President Obama and Clinton and was ambassador to Poland from November 1997 to May 2000.

So what we have with us today is a real trouble-shooter, proving that they all don't look like John Wayne.

Mr. ROHRABACHER. And with that, Mr. Carnahan, would you have an opening statement as well?

Mr. CARNAHAN. Thank you, Mr. Chairman, and I apologize I didn't bring any good jokes to start off with.

Mr. ROHRABACHER. I thought I would get a laugh out of that John Wayne one.

Mr. CARNAHAN. Anyway, seriously I do want to say thank you to the chairman for his persistence on this issue, and this is the third hearing in the past year on Camp Ashraf. Ambassador Fried, thank you for testifying again in front of this subcommittee. This hearing provides a timely opportunity for us to check on the processing status of the residents at the camp. I would also like to take this opportunity to thank many of my constituents from back home in St. Louis, Missouri, for their work on this important issue. They are a great example of citizens being involved to make a difference for those in need.

In 2003, the residents of Camp Ashraf were granted protective status under the Geneva Convention pursuant to the Status of Forces Agreement between the U.S. and Iraqi Governments. However, jurisdiction of the camp has been under the jurisdiction of the Iraqi Government since 2009. Then, since late December 2011, the agreement allowing the residents to be moved to Camp Liberty, approximately two-thirds of all residents have been relocated.

Ambassador, I will be especially interested to hear about the progress that has been made through our bilateral and multilateral efforts to move the remaining residents as well as an update on the interviews and Refugee Status Determinations by the UNHCR. Reports suggest that UNHCR's process of conducting individual interviews is going slowly as are the Refugee Status Determinations that need to be made in order to provide for their permanent relocation. It has become clear this process is going to take longer than expected and longer than most RSDs conducted by UNHCR. It is imperative that there is sufficient time to ensure that this is done in an orderly manner and that it also guarantees the safety of the residents.

I am interested to hear what discussions are being undertaken to ensure that this process will be allowed to continue beyond any predetermined time deadlines. Certainly a long-term solution for the residents is, of course, needed once UNHCR completes its interviews and Refugee Status Determinations. It would be beneficial to hear some of the long-term possibilities including what conversations have been had with the residents. I would also be interested to hear about what Camp Ashraf in the broader context of U.S. policy toward Iraq.

While the safety of the residents of Camp Ashraf pose immediate concern, I would also like to hear the witness discuss how our relationship with Iraq has been affected as well as how it has impacted the Camp Ashraf issue. I look forward to hearing from you today. Thank you again for being here, Ambassador.

Mr. ROHRABACHER. Thank you. Another member of the committee, Judge Poe, from Texas. You are welcome to make as long of remarks, opening remarks as you would choose.

Mr. POE. Thank you, Mr. Chairman. Thank you for having this hearing. Ambassador Fried, thank you for being here. I also want

to thank many friends from Texas and other parts of the country that are here today who are concerned about their families, their loved ones and other patriots in Camp Ashraf and Camp Liberty.

Four years ago, the MEK filed their petition against the State Department to delist them as a foreign terrorist organization. It has been 2 years since the DC Circuit Court of Appeals ruled the State Department violated the MEK's due process rights. And so since 2011, June the 6th, the ball has been in the State Department's court. The State Department's only reason for disregarding the law is that they apparently are too busy with other things. The latest excuse is that the Secretary is waiting for Camp Ashraf to close. I wonder what difference that makes. Now we have a new excuse that there are worries from the State Department about alleged weapons in the camp.

But on June 18th, 2003, U.S. General Ray Odierno said that "the MEK has been completely disarmed," I further quote, "and we have taken up all small arms and heavy equipment." That was our own U.S. military general stating he was completely confident there were no weapons in Camp Ashraf. And just yesterday, U.S. Brigadier General David Phillips said he "systematically searched every square kilometer of the 36-square kilometer facility with American troops in 2003 and found no weapons." Two generals are on record that they completely searched the camp, so why is the State Department now alleging that there are weapons in the camp? Produce one of those weapons, any weapon that has allegedly been found in that camp. But yet they don't appear probably because they don't exist.

Does the State Department believe the residents rearmed while they were under U.S. control from 2003 to 2008 or that they rearmed after we left? That is, of course, unlikely and absurd given twice when the camp was attacked by the Iraqis with automatic weapons and dozens of residents in Camp Ashraf were killed and murdered, no weapons were ever used by those residents to defend themselves. All they had were rocks, and they threw rocks when they could to protect themselves and their families. So are the rocks the weapons the State Department is concerned about? We don't know.

And once the camp is closed will the State Department be given permission by the Government of Iraq to inspect the camp? And who is to say, as the chairman pointed out, that the Iraqis or the Iranians even, wouldn't actually plant weapons in the camp when the camp is vacated? There are lots of questions and problems with the State Department's latest excuse not to make a decision on the FTO status of the MEK. Four years later the State Department is still denying the due process rights of the MEK. It is time for the decision. The time for delay, delay, delay is over. No pistols, no rifles, no bazookas, no BB gun, no slingshot has been found in Camp Ashraf. Where are the weapons that they say exist?

It appears to me the State Department is playing into the politics of the Iranian mullahs and the Iraqi Prime Minister Maliki. The State must pick a horse and ride it. Hopefully they will pick the side of the citizens of Camp Ashraf, Camp Liberty, and not the side of the little fellow from the desert, Ahmadinejad.

And I yield back to the chairman.

Mr. ROHRABACHER. Thank you very much, Your Honor. And let me note that Ambassador Fried will give his opening remarks. We will then have questions and answers from the panel here from our committee members, after which at the adjournment of this hearing—we were not permitted to have a second panel of witnesses. So what we will do, we will adjourn immediately after this testimony. This subcommittee will be adjourned at that moment, and at that moment after adjournment, General David Phillips, who was assigned to have duty in overseeing Camp Ashraf while he was in the military, will be here taking that seat and offering us a briefing on the information that he knows about and was permitted to testify yesterday before another committee.

So with that said we will proceed, and Mr. Ambassador, you may take what time you find appropriate.

**STATEMENT OF THE HONORABLE DANIEL FRIED, SPECIAL
ADVISOR ON ASHRAF, U.S. DEPARTMENT OF STATE**

Ambassador FRIED. Thank you, Mr. Chairman. Chairman Rohrabacher, Ranking Member Carnahan, Judge Poe, thank you for the opportunity to testify. I wish to report to you on progress in the administration's efforts to support a humane, peaceful and durable solution for the residents of Camp Ashraf as well on challenges that remain.

When I appeared before this subcommittee last December, a humanitarian crisis appeared imminent. The Government of Iraq had announced its intention to close Camp Ashraf by December 31, and there were valid concerns that this could result in bloodshed. Members of this committee appeared to share such concerns. It was under these circumstances that Secretary Clinton instructed me to work with Ambassador Jeffrey and the United Nations to avert a humanitarian catastrophe. I am relieved to report significant progress while recognizing that the job is not yet done.

On December 25th, the Government of Iraq and the United Nations signed a Memorandum of Understanding that provides a way forward for the safe relocation of Ashraf residents out of Iraq. Secretary Clinton quickly announced support for this MOU. We called upon the Iraqi Government to respect the terms of the MOU and upon the residents of Camp Ashraf to cooperate in its implementation. With the signature of the MOU, the Iraqi Government lifted the December 31st deadline for Ashraf's closure.

Under the terms of the MOU, the residents of Camp Ashraf gained a temporary transit facility, Camp Hurriya, formerly Camp Liberty, adjacent to the Baghdad International Airport, to which to relocate under guarantees of security. The MOU also provides for in-person monitoring by the U.N. Assistance Mission in Iraq, UNAMI, headed by the able and energetic Ambassador Martin Kobler, and Refugee Status Determination process undertaken by the U.N. High Commissioner for Refugees. That is UNHCR. Additionally, through the MOU, the Iraqi Government made a commitment to the principle of non-refoulement. These were important steps forward by the Iraqi Government.

The first convoy to Hurriya took place on February 17–18, with nearly 400 people. A second and similar convoy occurred on March 8th, followed by a third convoy on March 19th, a fourth on April

16th, and a fifth convoy on May 5. Nearly 2,000 residents have moved to Camp Hurriya, over half the total. Each convoy has been a significant logistic undertaking. The Iraqi Government has provided dozens of coach buses and cargo trucks, and thousands of Iraqi security forces have provided for convoy security on the road. The preparation of each convoy is lengthy, and disagreements, sometimes heated, have occurred between the Iraqi authorities and the residents about cargo screening procedures and other issues. U.S. Embassy and the Department of State follow the progress of each convoy closely. The progress to date is remarkable especially given the history and emotions involved, but patience and compromise have been required and will still be required as the last convoys to close Camp Ashraf are organized.

Living conditions at Camp Hurriya have also had challenges. There were early issues with water, sewage and electric power, though many have been resolved since. There were early concerns about the location and size of Iraqi police units at Camp Hurriya, though here too a resolution was worked out. Both Camps Ashraf and Hurriya have internet connectivity to the world.

There are issues that remain. For example, the Government of Iraq needs to pay greater attention to the repair or provision of air conditioning units and other basic welfare needs such as accommodations for the disabled. With the onset of hot weather and new arrivals, electric power and water needs will increase and the number of required utility vehicles will grow. The Iraqi Government can work with the U.N. to address these concerns. The residents need to engage the Iraqi Government, the U.N. and others on these issues in a focused manner. It is important that the final convoys from Ashraf take place and that Camp Ashraf be closed.

Our efforts do not end, however, with Camp Ashraf's closure. Indeed, we must not lose sight of our purpose. The relocation of Camp Ashraf's residents out of Iraq and the way for those residents out of Iraq lies through the UNHCR process. With start-up issues being resolved, the UNHCR has intensified its efforts and increased resources to interview and review residents for refugee status eligibility.

The next great task in this effort requires continued participation of the residents in the UNHCR process and the diplomatic work of relocating residents out of Iraq. The United States has informed the UNHCR and our international partners that we will receive UNHCR's referrals of some individuals. These referrals will be reviewed on a case-by-case basis consistent with applicable U.S. law. Other governments have stated their intention to take similar actions, and some have begun the process of reviewing residents themselves.

Let me be clear. Mr. Chairman, it will be critical for the United States to demonstrate leadership in this area. Our doing so will be essential to finding a solution. We hope to have the support the the Congress and of all those who have expressed concern for the residents of Camp Ashraf. We will also need the continued cooperation of remaining Ashraf residents to relocate swiftly to Hurriya, and continued cooperation of the residents of Camp Hurriya with the UNHCR.

The next stage of this process will be challenging. Some in Camp Hurriya may choose to return voluntarily to Iran. Others may find that they have credentials and connections to European or other nations and can resettle there. Still others will require resettlement as refugees or other permission to reside in third countries through the UNHCR's good offices. Some of our European partners have indicated that they will interview residents to determine eligibility for resettlement within their respective countries. The United States will encourage prompt and secure relocation of the residents of Hurriya, and again we must be prepared to do our part, hopefully with the support of the Congress.

I want to commend the extraordinary work being done by UNAMI and UNHCR missions in Iraq, and the intense engagement of U.S. Ambassador Jeffrey and his dedicated team. Their diligence, creativity and commitment have been essential to the progress so far.

Mr. Chairman, Judge Poe, this is in the nature of an interim report. Much has been achieved since we met last December. Much remains to be done. But at last we are on a road to resolve this problem through the relocation of Ashraf residents out of Iraq.

Thank you for this opportunity, and I welcome your questions.

[The prepared statement of Ambassador Fried follows:]

**Testimony of Ambassador Daniel Fried on the Status of
Processing of Camp Ashraf Residents
House Foreign Affairs Committee
Subcommittee on Oversight and Investigations
May 16, 2012**

Chairman Rohrabacher and Ranking Member Carnahan, thank you for the opportunity today to testify before this Subcommittee. I welcome this occasion to report on the significant progress made in the Administration's ongoing efforts to support a humane, peaceful, and durable solution for the residents of Camp Ashraf, as well as on the challenges that remain.

In early December 2011, when I last appeared before this Subcommittee to discuss the situation at Camp Ashraf, the potential for a humanitarian crisis appeared ominous. The Government of Iraq had announced its intention to close Camp Ashraf by December 31, and there were valid concerns, based on previous incidents, that this could result in bloodshed. At that time, the United States and the UN recognized the need to develop and support on an urgent basis a mechanism to achieve the safety and security of Ashraf's residents. Members of this Committee appeared to share such concerns. It was under these circumstances that Secretary Clinton instructed me to work with Ambassador Jeffrey and the United Nations to avert a humanitarian catastrophe.

Given that context, I am relieved to report significant progress, while recognizing that the job is not yet done. On December 25, the Government of Iraq and the United Nations signed a Memorandum of Understanding (MOU) that provides the mechanism and path forward for the safe relocation of Ashraf's residents out of Iraq. Secretary Clinton quickly and publicly announced our support for this MOU, and we were shortly joined in this support by key partners in the international community, especially the European Union. We called upon the Iraqi government to respect the terms of the MOU and upon the residents of Camp Ashraf to cooperate in its implementation. With the signature of the MOU, the Iraqi government lifted the December 31 deadline for Ashraf's closure.

Under the terms of the MOU, the residents of Camp Ashraf have been provided a temporary transit facility – Camp Hurriya (formerly called Camp Liberty) adjacent to the Baghdad International Airport – to which to relocate under guarantees of security. The MOU also provided for regular, in-person human rights monitoring by the UN Assistance Mission in Iraq (UNAMI), headed by the able and energetic Ambassador Martin Kobler, and the ability to participate in a Refugee Status Determination (RSD) process to be undertaken by the UN High Commissioner for Refugees (UNHCR). Additionally, through the MOU, the Iraqi Government made a commitment to the principle of non-refoulement. These were important steps forward by the Iraqi government.

Following conclusion of the MOU, the Iraqi Government worked with the UN and the residents of Camp Ashraf to begin the moves to Camp Hurriya. The first convoy to Hurriya occurred February 18, with nearly 400 people. Despite some complications and delays, it took place peacefully and was observed by U.S. officials from Embassy Baghdad in addition to UN monitors. A second and similar convoy of nearly 400 residents occurred on March 8, followed by a third convoy on March 19, a fourth on April 16, and the fifth and most recent convoy on May 5. Together, nearly 2000 residents of Ashraf have moved to Camp Hurriya, which is well over half the total.

After the fifth convoy, the Department of State publicly welcomed the progress to date, including the continued cooperation of the Iraqi Government and the residents of Camp Ashraf with UNAMI in implementation of the MOU. Our statement also noted the need to increase our focus on our ultimate objective: the safe relocation of the residents from Camp Hurriya out of Iraq, and we joined the UN's call to member states to assist in this effort.

The process of relocating residents to Hurriya has had challenges. Each convoy, carrying approximately 400 Ashraf residents, their personal effects, and large quantities of cargo to Hurriya, has been a significant logistical undertaking. The Iraqi government has provided dozens of coach busses and cargo trucks and literally thousands of Iraqi security forces to provide for the convoy's security on the road. Accompanying each convoy are UN human rights monitors, who also observe the screening of residents and property as each convoy loads from Camp Ashraf and provide useful, neutral reports following each convoy movement. The

preparation of each convoy is lengthy and disagreements, sometimes heated, have occurred between the Iraqi authorities and the residents about cargo, screening procedures and other issues. The U.S. Embassy and Department of State of followed the progress of each convoy closely, often in real time, in support of the UN; we are well aware of the difficulties involved. Given the history of Camp Ashraf, the emotions involved, and the fact that many of those at Camp Ashraf have resided there for years, this should not surprise us. Indeed, the fact of continued progress is more remarkable than the difficulties. Patience and compromise have been required, and will still be required, as the last convoys needed to close Camp Ashraf are organized.

Living conditions at Camp Hurriya have also had their challenges. Camp Hurriya, when under U.S. control, was part of the largest coalition base in Iraq, housing thousands of American and coalition forces during military operations in Iraq. The containerized housing units (CHUs), which the former Ashraf residents now occupy, previously housed our service personnel. Hurriya also includes among its living spaces a large dining facility, fitness facility, a mosque, and recreational space for the residents. The UN studied the infrastructure before the first convoy and judged that the facility met or exceeded international humanitarian standards for such encampments to support the relocation of all Ashraf residents.

Nevertheless, some legitimate concerns were raised about conditions at Hurriya. There were early issues with water, sewage and electric power, though many of these have been resolved. There were early concerns about the location and size of Iraqi police units at Camp Hurriya, though here, too, a satisfactory resolution was worked out. Both Camps Ashraf and Hurriya have internet connectivity to the world.

Still, some issues remain. For example, greater attention needs to be paid to the repair of air conditioning units by the Government of Iraq, and other basic welfare needs, such as accommodations for the disabled, ought to be addressed. With the onset of hot weather, requirements of electric power and water deliveries will increase, and the number of needed utility vehicles for provision of water and removal of sewage therefore will grow. The Iraqi government needs to work with the UN to address ongoing humanitarian concerns as the population at Camp Hurriya grows amid hot weather. The residents meanwhile need to engage with

the Iraqi government, the UN, and others on these serious issues in a focused manner.

The UNAMI monitors, who visit Hurriya daily, and U.S. Embassy officers, who also visit frequently, have been invaluable in working out problems and keeping us informed about the details of issues that develop. UNAMI, with active U.S. support, is working at high-levels with the Iraqi government to ensure the welfare of the residents is not compromised and to resolve issues that arise. Continued efforts will be needed, especially now that the hot season has arrived.

It is important that the final convoys from Ashraf take place and that Camp Ashraf be closed. Our efforts do not end, however, with Camp Ashraf's closure. Indeed, we must not lose sight of our purpose: the relocation of Camp Ashraf residents out of Iraq. The way for residents out of Iraq lies through the UNHCR process. With start-up issues largely resolved, the UNHCR has intensified its efforts and increased its resources to interview and review residents for refugee status eligibility, the Refugee Status Determination (RSD) process.

The next great task in this effort requires continued participation of the residents in the UNHCR process, and the diplomatic work of relocating those residents out of Iraq. For our part, the United States has informed the UNHCR and our international partners that we will receive UNHCR's referrals of some individuals. These referrals will be reviewed on a case-by-case basis, consistent with applicable U.S. law. Other governments have stated their intention to take similar actions, and some have begun the process of reviewing residents.

Let me be clear: it will be critical for the United States to demonstrate leadership in this area. Our doing so will be essential to finding a solution. We hope to have the support of the Congress and all who in the past have expressed concern for the welfare of the residents of Camp Ashraf. We will also need the continued cooperation of the remaining Ashraf residents to move swiftly to relocate to Hurriya, and the cooperation of the residents of Camp Hurriya with the UNHCR.

The next stage of the process will be challenging. Some in Camp Hurriya may choose to return voluntarily to Iran. Others may find that they have credentials and connections to European or other nations and can resettle there. Still others will require resettlement as refugees or other permission to reside in third countries

through the UNHCR's good offices. Some of our European partners have already indicated that they will interview residents to determine eligibility for resettlement within their respective countries. In all these cases, the United States will encourage prompt and secure relocation of the residents of Hurriya and, again, we must be prepared to do our part, hopefully with support of Congress.

I want to commend the extraordinary work being done by the UNAMI and UNHCR missions in Iraq, and the intense engagement of U.S. Ambassador Jeffrey and his dedicated team. Their diligence, creativity, and commitment have been essential to the progress made thus far. They routinely mediate disputes – from the mundane to the more serious – and without their leadership at all levels this process would be immensely more difficult, and human lives would be in greater jeopardy.

Mr. Chairman, Ranking Member, this is in the nature of an interim report. Much has been achieved since last December's hearing. Much remains to be done. This is a complex and dynamic issue, and it consumes an enormous amount of resources, for UNAMI, for UNHCR, and for the UN writ large; and the U.S. is devoting attention commensurate with the need.

Our paramount interest in this situation is humanitarian. We have much still to do, and the potential for serious trouble remains. The difficult history of the MEK in Iraq is a matter of record. But at last we are on a road to resolve this problem through the relocation of Ashraf residents out of Iraq.

Thank you for this opportunity and I welcome your questions.

Mr. ROHRABACHER. All right. Thank you very much for your testimony. The ranking member will be returning, but we will proceed with his permission. And let me get down to the first issue about weapons in Camp Ashraf.

Does the United States Government in any way question that there are no weapons and have been no weapons in Camp Ashraf since the agreement that was made by the residents, by the MEK, back in 2003?

Ambassador FRIED. Mr. Chairman, this issue, that is, the issue of Camp Ashraf and inspections came up, as you said earlier, and I believe Judge Poe said, in the context of litigation in court, in DC court, Federal court, and because it came up in the progress of active litigation, I have to be extraordinarily careful in getting into this area. It is my understanding that the Department of Justice has sent a letter to the court, which has now been filed, and I believe it is therefore available, which answers some of the questions that have arisen. And it is my understanding then that letter addresses the question you just asked.

Mr. ROHRABACHER. So you should be able to just tell us right out what it is then.

Ambassador FRIED. Yes. I have to be extraordinarily careful, but I can say the following. The mandate of my office and my charge from the Secretary is to support the process of having people move from Ashraf to Liberty, and then from Liberty out of Iraq in safety and security. That process needs to move forward as fast as we can. Time is not necessarily on our side. I don't want to lose time and opportunity. I think I understand, or some of the concerns that have been raised recently as a result of these court proceedings are unfounded. My Government and this administration are determined to move ahead. I hope that the residents of Ashraf will continue to cooperate.

I read in an ad that appeared in the Washington Post that an inspection of Ashraf is an essential condition, I'm quoting, "to continue the relocation of Ashraf residents to Liberty." I hope this does not reflect a considered opinion. The cooperation of the residents of Ashraf and cooperation of the Iraqi Government with the MOU has brought us this far. We are not there, but it is farther than many thought we would get, and we are doing all right considering where we thought we would be in December and where we feared we could end up. We want to move ahead quickly. We have large tasks before us, and it is on those tasks that we are focused.

I don't know how the issue came up or why. This issue was filled with misunderstandings. But my focus is moving forward, and it is my strong recommendation to the residents of Ashraf and Camp Liberty and all those who wish them well that we move forward as fast as we can while we have the chance.

Mr. ROHRABACHER. Now let me interpret that. That is, with all of your heart and soul you are recommending that we ignore the issue and not ask for a response?

Ambassador FRIED. Mr. Chairman, I would know better than to recommend that you ignore any issue in which you have an interest. I wouldn't dare.

Mr. ROHRABACHER. I want you to be really careful because this is really important, and watch every word that you make. Are we

satisfied that there were not weapons in Camp Ashraf after the 2003 agreement and up until now? I mean it is not a tough question, I mean it is yes or no. I mean I understand the many implications to yes and no, but knowing the truth is certainly—there is this motto that I think somebody said about knowing the truth is going to make you free.

Ambassador FRIED. A good saying.

Mr. ROHRABACHER. I think knowing the truth is really an important part of making policy.

Ambassador FRIED. I know I am aware of no barrier that ought to prevent the process moving forward. The process of convoys, the last remaining convoys out of Ashraf to Hurriya, the process of UNHCR interviews and the process of the international community, U.N., U.S.—

Mr. ROHRABACHER. So are you suggesting then, if we would give an affirmative that there are no weapons there that that in some way would interfere with the relocation of the people who are currently in Camp Ashraf to Camp Liberty? By answering the question, that would interfere?

Ambassador FRIED. No. As I understand what you just said, if I get that right, I am not saying that. I am being extraordinarily cautious because this is a matter of active litigation. Motions are being filed. Letters are being sent. And I have to be more careful than I would be if you had asked this question and there were no litigation going on.

Mr. ROHRABACHER. Okay. So if I just mentioned to you that—was it the General who testified yesterday? And I believe the General testified that there were no weapons, and he was our man there. So if he is willing to testify that, or he is not testifying, but briefing us on that, he testified yesterday and I believe under oath, you can't give an answer based on a brigadier general who was in charge of the camp acknowledging that?

Ambassador FRIED. It is my understanding that the Department of Defense, which knows this issue in a way that the Department of State does not, had made the judgment that the camp was largely disarmed with no heavy equipment at that time. Now my mandate is not to go back and review the record of those years. The mandate of my office is to move forward and it is my hope that the remaining convoys can move ahead.

Mr. ROHRABACHER. Let me ask you, does your hesitation to answer the question in a direct fashion have anything to do with the fact that if we were now to go on record as the official government position is that Camp Ashraf was disarmed, that those people who went in and took the lives of over 30 residents of Camp Ashraf would then be guilty of a war crime?

Ambassador FRIED. No, not at all. Not at all. My caution is a function of the fact that there is active litigation going on, which means I have to be more careful than even usual.

Mr. ROHRABACHER. I am sure that we are glad there wasn't any active litigation going on after Pearl Harbor, we could have never retaliated against the Japanese for Pearl Harbor, I guess.

Well, I will go back to reserve the balance of my time to ask questions. And Your Honor, I am sure you have a few things you would like to bring up. And now you are dealing with a judge now.

Mr. POE. And you are going to have to keep your answers a whole lot simpler than you have been with Mr. Chairman. Has the State Department ever asked to search Camp Ashraf, to your knowledge?

Ambassador FRIED. The State Department?

Mr. POE. The State Department.

Ambassador FRIED. Not during the time in which I have been responsible for this position. And I have good, direct knowledge of what has happened since I took my current job last November.

Mr. POE. Is there anything preventing the State Department from searching Camp Ashraf other than the Iraqi Government saying you can or you can't?

Ambassador FRIED. Well, as a practical matter Camp Ashraf is not our sovereign territory. It is Iraqi sovereign territory.

Mr. POE. I understand all that.

Ambassador FRIED. Now on the ground I can tell you that we have substantial efforts going on to have our people go to Camp Hurriya, Camp Liberty. They were there 2 days ago. They are there on a pretty frequent basis. We have had people going up to Camp Ashraf before to meet with people. Our emphasis, now we put our resources to work on the current issues of welfare, security of the people at Camp Hurriya, support of the UNHCR for its refugee processing, support of the convoys. In my judgment that is where our efforts should be, because to get these people out of Iraq we have to get them from Ashraf to Hurriya and then from Hurriya out. That is where our emphasis has been. Our resources are substantial but they are not unlimited. And frankly, everything I know convinces me that our resources are rightly devoted to the here and now and not to—I don't want to see them or our efforts diverted.

Mr. POE. Are you aware that in April 2009, the Iraqi Government searched Camp Ashraf with dogs and then signed a document saying that there were no weapons there, no ammunition there? Are you aware of that?

Ambassador FRIED. I have heard that.

Mr. POE. There is also a video of the search. Have you seen the video of that search where they found no weapons?

Ambassador FRIED. I haven't seen that video.

Mr. POE. I don't think it is on YouTube yet. But are you aware of any third-party countries that have expressed any willingness to take a resident from Camp Liberty? They say they will take them?

Ambassador FRIED. Yes.

Mr. POE. And those countries are?

Ambassador FRIED. On March 23rd, the UNHCR hosted a conference in Geneva attended by the United States, the Iraqi Government, a number of European and non-European governments. Many governments expressed a willingness to consider taking people. There were no pledges or promises or numbers, but there were a number of governments that said yes, they were willing to work with the U.N. and receive referrals from the UNHCR. The United States was one of those governments but we were not the only government. That is a start. It is not sufficient in itself but it is a good start from which to build and it is precisely there, Judge, that we have to throw our efforts.

Mr. POE. It seems to me the listing of the MEK as a foreign terrorist organization is one factor that makes countries hesitant to take these residents even though some of the European countries have delisted the MEK. I think that if there was delisting that you would have some more, much more cooperation with third-party countries in taking these individuals back.

You mentioned in your testimony—my last comment. You mentioned in your testimony about the living conditions. As we talked about last time, some, Rudy Giuliani, for example, mentioned that Camp Liberty was a concentration camp in conditions. And we are moving this process further down the road, it always takes longer than anyone expects, to get the residents from Camp Ashraf, Camp Liberty and then to somewhere else in the world.

What kind of deadline is the Iraqi Government giving the whole process and how will that affect the living conditions of the people in Camp Liberty?

Ambassador FRIED. The Iraqi Government has suggested that as long as the process is moving forward. That is, convoys moving from Ashraf to Camp Hurriya, and then the UNHCR process moving people and hopefully out of Camp Hurriya, and I should add that a few have left. As long as that process is going forward there has been much less talk of a deadline. This is a good thing.

In the meantime, there are legitimate issues of living conditions that need to be addressed, water, sewage, power, that sort of thing, facilities for the disabled. And there does need to be progress made because as long as the residents are there for how ever long they are there living conditions need to be good and they need to be stable.

Mr. POE. Mr. Chairman, I would like unanimous consent to introduce into the record two documents, testimony by Colonel Wesley Martin, before the House of Commons in Canada on May 15th, 2012, a second document by him regarding some issues of the MEK and some questions and facts regarding that issue. I would like unanimous consent to put this in the record.

Mr. ROHRABACHER. Without objection.
[The information referred to follows:]

U.S. STATE DEPARTMENT/MeK ISSUES VERSUS FACTS

Consolidated by Colonel Wes Martin, US Army (Retired) – 15 May 2012

ISSUE: State Department is now claiming Camp Ashraf was never fully searched for hidden weapons. State Department further claims that final movement from Ashraf, and an analysis of the camp is necessary, before determination of Foreign Terrorist Organization status is determined.

FACT: Camp Ashraf was thoroughly searched numerous times: 2004 – 2005 by Brigadier General Phillips, 2006 by Colonel Martin, 2008 – 2009 by Lieutenant Colonel McCloskey. These searches included every square meter, announced and unannounced inspections, and raids based upon faulty intelligence received from State Department. In 2009, the Iraqi military conducted a canine support search. All searches resulted in nothing found. This position by the State Department means they accept the word of the Iraqi government over multiple U.S. military officers. The Iraqi government is notorious for fabricating "evidence." A future Iraqi search should expect "throw-downs" on a massive scale. Bottom line: Ashraf residents do not have the means, ability, or desire to break out of Iraqi security and attack the US or its citizens. As numerous American military personnel once assigned to Ashraf have testified, the MeK were trusted allies – a lot more so than the Iraqi military or police.

ISSUE: State Department continually claims to possess highly classified information.

FACT: Only the State Department possesses this information and refuses to make it available for independent analysis. Ambassador John Bolton, Secretary Tom Ridge, and Colonel Martin publicly challenged State to put the information up for their review. Bolton and Ridge have active Top Secret (TS) clearances, and Martin has a current background investigation which will allow immediate activation of his TS. In 2007, Martin provided State Department documented evidence (that was State Department validated) that MeK did not attack Kurds. State Department never removed that accusation.

ISSUE: At the May 8, 2012 US Court of Appeals, State Department representative (Robert Loeb) was asked by the judges why the Secretary of State did not just deny removing the MeK from the terrorist list to allow the appeal process to commence. Attorney Loeb responded "vital current information" is now coming in on MeK as result of the moves to Camp Liberty/Hurriya.

FACT: Interviews are only being conducted on MeK membership by the United Nations. Any intelligence received from the Iraqi government cannot be trusted.

ISSUE: In the same US Court of Appeals hearing, Attorney Loeb referenced the Rand Report as being current information.

FACT: The Rand Report was finalized in 2009, using very dated and inaccurate information. The writers of the Rand Report relied heavily on information given to them by the State Department. It has been proven many times that State Department intelligence specialists were no more accurate in their information on the MeK than these same people were on the information provided to Secretary Powell for his United Nations briefing on weapons of mass destruction. Like State Department, the writers of the Rand Report never interviewed Brigadier General Phillips, Colonel Martin, Colonel Morsh, Lieutenant Colonel Norman, Lieutenant Colonel Cantwell, and Lieutenant Colonel McCloskey.

ISSUE: Numerous high profile former U.S. government officials were recently accused of being motivated primarily by financial gain to speak in defense of a declared terrorist organization and having illegal interface with that organization.

FACT: This Treasury Department/Executive Branch accusation came immediately after these same former senior officials agreed to Ambassador Fried's request that they help convince MeK leadership to the move from Ashraf. It also came directly before the State Department informed U.S. Court of Appeals that Secretary Clinton was too busy to make a determination on MeK's FTO designation. Also included in this character attack was the Treasury Department's statement that these former officials do not have adequate knowledge of Ashraf to defend them. Whether former FBI, CIA, Homeland Security, Attorney General, Chairmen of Joint Chiefs, multiple three and four star Generals, Officers who served directly at Ashraf, or senior officials in other capacities, every person who has defended the MeK are intelligent and dedicated Americans exercising their 1st Amendment rights. None of them are placing financial gain ahead of wanting to help their nation do the right thing. Of note, the Army officers who served at Ashraf have never been paid for speaking, writing, or working to correct a grave mistake now being made.

ISSUE: State Department has claimed the move to Liberty/Hurriya has encountered "minor" difficulties.

FACT: The movements have been plagued with difficulties. Camp Liberty/Hurriya was not the pristine camp presented by UN Ambassador Kobler. Kobler accused the MeK of creating the trash while failing to recognize it was American trash. Hose seals in the blackwater tank immediately ruptured, the American water treatment facility had been stripped of working parts resulting in severe and unresolved water shortage, vehicle and personnel searches last for 40+ hours (resulting in one MeK member dying from a stroke), baton attack that has left 29 MeK members injured, vital generators and medical equipment have not been allowed to leave Ashraf, and trucks of personal effects have disappeared. Supervising this move is the same Iraqi General Qassim who commanded the 2009 and 2011 attacks on Ashraf. When asked about the clothing, he responded those items belong to the Prime Minister's office.

WESLEY (WES) MARTIN

Colonel, United States Army, Retired

May 15, 2012 – The Situation in Camp Ashraf, Iraq

House of Commons

Canada

Subcommittee on International Human Rights

Testimony to Canadian Parliament

TESTIMONY

Members of Parliament, I greatly appreciate the honor to once again testify before you on the situation of Camp Ashraf and the former National Liberation Army (NLA) of the Mojahedin-e Khalq (MeK) and the many events that have transpired since our last meeting on December 8th, 2011.

As you are aware, the December 31st arbitrary deadline for all former National Liberation Army to be out of Iraq was postponed by its generator, Prime Minister Nouri al-Maliki. This was not an action of his choice, but a reaction to pressure and attention created by North American and Western European governments. Al-Maliki had his forces in place and was ready to move against the camp. Every member of the MeK appreciates the involvement of the Canadian government in preventing the disaster that was most certain to happen at Camp Ashraf if al-Maliki had not found himself under international scrutiny.

Not without determination to consolidate his ever-growing power inside Iraq, al-Maliki turned his attention on the two most senior Sunni government officials, Deputy Prime Minister Mutlag and Vice President Hashimi. Immediately after US troop withdrawal and al-Maliki's visit to the White House, arrest warrants were issued for both officials under the charges of supporting terrorist activities. Tariq Hashimi, who for a long time has called for proper treatment of the MeK, has been accused by Maliki of operating death squads. I personally worked with Vice President Hashimi and personally witnessed his commitment to protecting both Shias and Sunnis from death squads. The charges against Vice President Hashimi are nothing more than tools being used by Maliki to eliminate political rivals.

The invasion of Iraq only succeeded in replacing one brutal dictator with another. As with Saddam during his early days of power, Maliki has the support of the US government. Unlike Saddam, every day Maliki aligns himself ever closer with Tehran while the US administration downplays this connection. To claim that Iranian influence is anything less than significant is a discredit to all coalition forces, Iraqi citizens, and Ashraf residents who have paid the price of that influence with their blood and their lives.

To be part of the solution and to show good faith in the UN refugee determination process, MeK leadership agreed to the transfer from Camp Ashraf to Camp Hurriya (a section of the former U.S. Army's Camp Liberty). In the past four months, approximately 2,000 former NLA members have completed the move, with 1,200 more pending transfer. Camp Hurriya is located immediately to the east of Baghdad International Airport. The reason stated by the Iraqi government for the transfer was to ease the UN vetting process.

This relocation has come with numerous problems. Continually the call is rendered by the United Nations and the US State Department that this relocation requires cooperation of all parties concerned. Unfortunately, the party always conceding has been the MeK. The Iraqi government has created one difficulty after another. It should not be forgotten it was the Iraqi government that prevented the UN from traveling to and conducting the process at Camp Ashraf. Furthermore, the officer in charge of this transfer mission is the same person who commanded the 2009 and 2011 Iraqi military attacks on Camp Ashraf, General Qassim.

Camp Hurriya, less than one-half a square mile in size, is correctly referred to by Rudy Giuliani as a concentration camp. Before the arrival of the first bus from Ashraf, Camp Hurriya had already been looted by the Iraqi military. Cabinets that could have been used for storage were intentionally damaged. The black water storage tank ruptured the first day due to lack of maintenance. The water treatment plant built in 2006 by US forces had been stripped by the Iraqis. Now the MeK must pay for water to be shipped in. The quantity of water has never met the needs of the growing population.

Often part of the problem has been UN Ambassador Kobler himself. He has proven himself to be very quick to accept Maliki's word on most everything, even assuring everyone involved that Hurriya was in good shape. The pristine photos he provided to support his claim were not the same facilities the Ashraf residents found upon arrival. He criticized the residents for the blackwater tank breaking down and blamed them from bringing the trash to Hurriya to stage a photo opportunity of unsanitary conditions. In doing so his blame overlooked the fact that it was US-generated trash. His theory also required it to have been overlooked during the multiple Iraqi searches of the Hurriya-bound convoys.

Even getting from Ashraf to Hurriya has been loaded with obstacles. The Iraqi government has not honored the formal agreements for what may be brought forward. This includes generators for power,

vehicles for transporting disabled people, medical equipment and supplies, and personal items. Having worked with both the Iraqi government and the former NLA, I can understand what is happening. The denial of supplies and equipment will make life that much more difficult for the residents. Also, the more that is left at Camp Ashraf means the more property Iraqi officers will be able to claim for themselves once Ashraf is cleared of MeK. On the very last convoy, two trucks of personal clothing disappeared. When MeK leadership directly questioned General Cassim on this, he responded that the clothing belonged "to the Prime Minister's office."

The very searches of the convoys and people prior to departure have been exercises in harassment and brutality. What has been searched, gets searched again and again. The process lasts for a day and a half without rest. It was from this process that 48-year-old engineer Baardia Amir Mostofian died of a stroke. In another incident the Iraqi military commenced beating Ashraf residents, to include with batons, resulting in 29 MeK members injured.

There have been meetings between the Iraqi military and the MeK. The meetings have addressed all the problems mentioned here and more. In each case, the Iraqi military response is either a pledge to look into the issue or a flat-out refusal for correction. The person sent to the meetings by the Iraqis does not have the authority to promise or change anything. He is a lieutenant. In Mid-Eastern protocol, sending the most junior officer possible to a meeting is an intentional snub. Even before the meeting starts, Iraqi military representation by a lieutenant is a message in itself, specifically, "You are not worthy of senior officer attention."

The psychological campaign of the loud-speakers at Ashraf has taken on a different level at Hurriya. Multiple observation posts and roving patrols inside the camp are used to continually de-humanize the residents. Consolidation at Hurriya where life-support itself is dependent upon the ever watchful and demeaning Iraqi military supports Mayor Giuliani's position that this is a concentration camp. One spark could easily set this camp ablaze with slaughter that would dwarf the 2009 and 2011 attacks. Then Hurriya becomes an extermination camp.

In her testimony to Congress last February, Secretary Clinton stated there have been some minor issues with the transfer to Camp Liberty. During that same testimony, when asked about the delisting of the MeK, Secretary Clinton stated that action is directly related to the movement from Ashraf to Hurriya. Once again this proves Hillary Clinton and her Department fail to understand the former NLA. The NLA was the military arm of the MeK, with one mission only – direct military engagement with the Iranian government. It never had any other mission. Never.

NLA membership surrendered every one of their weapons and the leadership signed a cease fire with the United States military. The only two things a soldier must always have to engage the enemy is a weapon and means to use it. When those weapons were surrendered, NLA ceased to be a military operation. In turn, members of the former NLA, now consolidated at Camp Ashraf, accepted from the United States protected-person status under the 4th Geneva Convention.

The second thing Hillary Clinton and her Department blatantly ignores is the three standards set by the United States Congress in 2004 as to what constitutes a Foreign Terrorist Organization (FTO). First, it must be foreign to the U.S. The MeK satisfies that one criterion. Second, it must also be a threat to the US or its citizens, and third it must have the means to carry out that threat. Neither of these are anywhere close to being achieved. Meanwhile, Moqtada Sadr's Mahdi Army has been directly responsible for killing hundreds of US warriors and has never been identified by the US State Department as a foreign terrorist organization. Hypocrisy runs deep at Foggy Bottom and intentionally fails to consider what has really cost the loss of American blood.

For Secretary Clinton to associate the move from Camp Ashraf to Hurriya as being a criterion for delisting violates the Congressional mandate and somehow assumes that the former NLA is capable of breaking through the Iraqi military perimeter around Ashraf to launch an attack, with resources it does not have, on the United States or its citizens. One of the most disturbing things about Secretary Clinton's position is the MeK served beside US forces in Iraq.

Not to be outdone by his boss, in April State Department's Ambassador Benjamin stated before Congress that the foreign terrorist determination is dependent on seeing what weaponry the MeK still has at Ashraf. He claimed to Congressman Poe that the US has not had a chance to see what was at Ashraf. To this, General Phillips, Lieutenant Colonel McCloskey and I wrote an editorial that everyone one of us conducted multiple announced and unannounced inspections of Camp Ashraf. While it may have been

an expedient opportunity for him to escape further questioning by Congressman Poe, to make such a statement was misinformation at best.

On May 8th, in presenting his oral argument to the US Court of Appeals, State Department representative Robert Loeb continually repeated this claim of Ashraf never having been searched. He even validated this claim by presenting Ambassador Benjamin's testimony to Congress as being the source of accurate information. Using this logic, then Saddam Hussein definitely possessed weapons of mass destruction because that is what Secretary of State Colin Powell briefed to the United Nations. Somehow State Department bureaucrats believe misinformation becomes more accurate the more it is repeated and referenced. Putting a fancy saddle on a mule doesn't make it a thoroughbred.

Not only was Ashraf searched multiple times by US forces, but also by Iraqi forces with canine in 2009. All the results came out the same – no weapons at Ashraf. In his presentation to the Court Of Appeals, Robert Loeb stated that the Secretary needed to receive the results of the search after all Ashraf residents have departed. For a US government bureaucrat to state that the word of the corrupt Iraqi government will be accepted over senior officers of the United States Army is nothing short of despicable. Furthermore, this statement now gives the Iranian government the plan on how to prevent the MeK from being delisted. Because the search will be done by the Iranian friendly Iraqi government, all that needs to happen is to produce a bunch of old weapons (throw-downs on a massive scale) and claim they came from Ashraf. With that information, Secretary Clinton will deny delisting.

Once Camp Ashraf is cleared of MeK the Iraqis are going in to loot, just like they did at Liberty, all other US-vacated compounds, and following the fall of Saddam Hussein. Evidence on the MeK will be fabricated as Maliki has already done on Vice President Hashimi. Already 122 arrest warrants have been issued on Ashraf leadership. State Department is going to accept everything generated by the Iraqis as they have already accepted all the other misinformation. Case in point is the attacking of the Kurds. In 2007 I provided State Department solid evidence that this did not happen. State Department employees in Baghdad checked it out and validated it. Yet, to this date State Department intelligence has failed to remove this accusation.

State Department intelligence specialists and Hillary Clinton herself claim to have highly classified information about the MeK's terrorist activities. None of that information has been put up for external review. Recently Ambassador John Bolton, Secretary Tom Ridge, and I jointly challenged State Department to produce that information for our analysis. Bolton and Ridge still have Top Secret Sensitive Compartmented Information clearances and mine can be immediately reinstated with my current and valid background investigation. State Department has not responded. On March 23rd, Senator Blunt of the Select Committee on Intelligence requested the same information. To date, he is also still waiting.

Meanwhile, State Department continues to ignore the Congressional standards on what constitutes a foreign terrorist organization. The Legislative Branch is not alone in being ignored. In July of 2010, the Judicial Branch ruled against the State Department. The result was a mandate that within six months due process of the FTO listing be implemented. That was now 22 months ago. As previously referenced, the Court of Appeals ordered the State Department back into court for oral arguments on May 8th, 2012 as to why this judicial mandate has not been fulfilled and to determine if this should be done within 30 days. In its presubmitted brief, State Department presented the foundation of its argument: the Secretary of State is too busy to deal with this determination involving only 3,400 people. In all honesty, the State Department's argument presented in court was an embarrassment to the US taxpayer.

Up to this point the State Department had constantly been assuring Congress that they were "aggressively working" on the designation and would comply with the court decision. Twenty-two months and going to comply with a 6-month mandate is not compliance. Obviously the State Department has a different meaning of "aggressively working" than the Defense Department. The US military spent less time in World War I than the State Department spent making this one decision. As mentioned, State Department intelligence claims to have classified information that can be shared with no one. These are the same exact people who claimed Saddam had weapons of mass destruction. These are the same exact people who paid Ahmad Chalabi \$33 million to help send an American-led coalition into Iraq. Now, 4,500 warrior deaths later State Department Intel is serving Hillary Clinton no better than they served Colin Powell. I further submit the United States Executive Branch, and the United Nations, are doing no better in supporting an effective resolution to the Ashraf situation than either organization did to support General Dallaire's heroic fight to stop the genocide in Rwanda. Sadly, I see a similar fate now taking place.

Yet our State Department continues to stumble along, offering appeasements in exchange for dialog that always goes nowhere. The ultimate victims of these appeasements are the Iranian people themselves and, right now, the 3,200 former NLA members trapped inside Iraq when the US-led coalition forces invaded. Somehow State Department bureaucrats think that continuing to demonize the MeK as terrorists will dissuade the Iranian government from becoming more difficult. I fail to understand this logic. Iran is developing a nuclear weapons capability, planned to killed the Saudi ambassador on American soil, is the primary supporter of the brutal Syrian government, is determined to destroy Israel, kidnapped American hikers for half a million dollar ransom each, sentenced a Canadian citizen to death for alleged spying, sentenced twelve Iranian Christians to death on Easter Sunday, and the list goes on.

It's time to stop appeasing the fundamentalist government of Iran and start supporting humanity. Concerning Ashraf, in achieving that goal the best things both Canada and the United States can do is to remove the MeK from the terrorist lists, hold the Maliki government accountable for its misconduct, and bring the former NLA members out of Iraq to safe locations.

Ladies and gentlemen, I thank you and look forward to your questions.

Mr. POE. I yield back.

Mr. ROHRABACHER. We have been joined by Brad Sherman, a colleague from California. Mr. Sherman, you may take as much time as you so find appropriate.

Mr. SHERMAN. First, I want to thank the chairman for letting me participate. I am not a member of this subcommittee. It may have already been introduced into the record, but if not, I would like unanimous consent to introduce in this record a letter to Secretary Clinton signed by David Phillips, the Brigadier General, Wesley Martin, the retired Colonel, and Leo McCloskey, the Lieutenant Colonel, retired, all in reference to this matter and dated April 19th.

Mr. ROHRABACHER. Without objection, so ordered.
[The information referred to follows:]

TO:

April 19, 2012

Honorable Hillary Rodham Clinton
 Secretary of State
 Department of State
 2201 C Street, NW
 Washington DC 20520

Dear Secretary Clinton,

As former US Military Officers who were responsible for the protection of the residents of Camp Ashraf, Iraq under the 4th Geneva Convention, we are writing to you to express our deep concern about remarks made by Ambassador Daniel Benjamin at the Congressional hearing on April 18, 2012.

When he was asked *"Do they [MEK] have the capability today, 2012, to engage in some terrorist act against the United States?"* Ambassador Benjamin responded, *"We have not come to a conclusion on that."* When further asked, *"You don't know whether they can..., I mean you are the guy who is supposed to tell us about terrorism in the world, you don't know whether the MEK has the capability to commit a terrorist act against the United States?"* He responded, *"Mr. Poe, no one has been in to inspect or otherwise investigate what is in Camp Ashraf right now. And we also cannot rule out the possibility that the MEK may have weaponry elsewhere."*

In our view such remarks are totally inaccurate and do not reflect the extensive work the US Army, other US federal Agencies and all men and women who risked their lives providing protection for Camp Ashraf and MEK members for six years. We did not risk our lives, being kept away from our families in such a dangerous situation in Iraq to protect a place and the people that might have had the capability or intention to engage in terrorism against our country. Thirteen US soldiers lost their lives and another twenty sustained significant injuries during their US Military mission to secure the protection Ashraf and its residents. Ambassador Benjamin's remark ignores the accomplishments of all American warriors at Ashraf.

Furthermore, his statement, *"no one has been in to inspect or otherwise investigate what is in Camp Ashraf right now"* is factually wrong. We, as personnel of the US Army were in Ashraf for six years. We had access to all parts of Ashraf. We inspected and thoroughly investigated all such rumors and allegations that the MEK might have possessed arms or any capability in Ashraf in order to engage in terrorism and we found nothing. We have already on several occasions provided our observations, as physical witness in Ashraf about the MEK and Ashraf, to the State Department and expected that those observations would have been taken into consideration.

Each one of us has been responsible for protection of Ashraf in the period of 2003 to end of 2008. There was never any doubt that MEK handed over all its weapons to coalition forces in 2003. We are also aware that in April 2009 following several days of inspections, Iraq forces reaffirmed that no weapons or explosives were found in Ashraf. It is also a fact that our embassy staff has continued visiting Ashraf until very recently. The United Nations representatives continue the monitoring of Ashraf now that the relocation process is occurring. . Therefore, the suggestion that the Department does not know about Ashraf is utterly unacceptable.

For several years the American military was in daily contact with MEK in Ashraf on various issues including exchange of intelligence and subjects related to combating terrorism. Such cooperation, specifically, information provided by the MEK did save the lives of many American warriors in Iraq. This is the main reason over a score of retired three- and four-star generals (to include multiple former Chairmen of the Joint Chiefs), dozens of former political leaders and government heads, and over a hundred members of Congress are campaigning for the removal of the MEK from the Foreign Terrorist List.

Bottom line, the MEK is not a terrorist organization. Furthermore, the MEK's full cooperation in the relocation to Camp Liberty, despite the failure of the Iraqi government to provide the most basic humanitarian needs of the residents, is yet more evidence that remarks made by Ambassador Benjamin are unfounded. It is long since past due for State Department to comply with the 2004 Congressional criteria identifying what constitutes a foreign terrorist organization.

We stand ready to address any concerns you might have regarding the remaining members of the MEK at Ashraf and those who have been moved to Camp Liberty. Please understand that most of us lived in Ashraf for a year or more and are the only real qualified individuals who truly know the tactical situation on the ground. We repeatedly searched and conducted raids throughout Ashraf for weapons, explosives and any violations of human rights or the requirements for maintenance of protected status under the rules of the 4th Geneva Convention. No weapons, explosives or other offensive and defensive implements were ever found. Therefore, Ambassador Benjamin's testimony at the April 18, 2012 Congressional hearing was uninformed, factually incorrect and a discredit the herculean efforts of the US Soldiers, Sailors, Airmen and Marines who served at Ashraf.

Very Respectfully,

David D. Phillips
Brigadier General (Retired)
US Army

Wesley Martin
Colonel (Retired)
US Army

Leo McCloskey
LTC (Retired)
US Army

Mr. ROHRABACHER. And let me remind my colleague that this hearing will be over after the testimony and then the questions and answers. We will have a second round. Mr. Carnahan should have a chance too, hopefully, to ask his questions. After these questions and immediately after this hearing is adjourned, General David Phillips, who you just quoted in their letter, will be briefing us in this spot for those who would be interested.

And you may proceed.

Mr. SHERMAN. A hearing followed by a briefing, and who says Congress isn't fun?

We had on May 8th, the U.S. Court of Appeals dealing with the writ of mandamus on the MEK. First of all, Ambassador, are you aware of any other circumstance where a district court has issued a writ of mandamus on an issue of foreign policy directed at the State Department? Is this as extraordinary as an action as the courts have ever taken on a foreign policy matter?

Ambassador FRIED. My experience on those sort of legal proceedings is limited. I do gather that it is somewhat unusual.

Mr. SHERMAN. Somewhere between highly unusual and utterly unprecedented would be the way I would characterize it. Now during that proceeding, the lawyer for the State Department said the MEK did not permit an inspection. They did not permit a door-to-door inspection looking for caches of weapons, or to actually disarm door-to-door. Since then a letter has been signed by the soldiers actually involved in that searching effort, the Brigadier General, the Colonel and the Lieutenant Colonel, all basically saying that the State Department lawyer lied to the court.

Has the State Department taken action to make sure that the court has been advised that this lawyer that had no direct knowledge of what actually happened on the ground at Camp Ashraf said some statements to the court that might mislead the court as to the actual events?

Ambassador FRIED. Sir, this is a matter under active litigation and so I have to be very careful. I said earlier in response to a similar question that it is my understanding that the Department of Justice has sent a letter to the court answering some of the questions. I believe that letter has been filed and is available, but because it is active litigation I have to restrain myself and not go any further.

Mr. SHERMAN. Do you disagree with the three officers involved that, in fact, a proper door-to-door search for weapons was, in fact, conducted at Camp Ashraf?

Ambassador FRIED. Here to, I believe that the letter from the Department of Justice addresses these issues, and because—sir, I am in an awkward position. This is active litigation. It is taking place in Federal court. And so my mandate is to try to get people safely out of Camp Ashraf over to Camp Hurriya and out of Iraq. That is my job, and I hope that the Department of Justice letter can clear all that up.

Mr. SHERMAN. So your ultimate goal is to get them out of Iraq. Is that relocation facilitated by the designation of the MEKs foreign terrorist organization, or is it impeded by that designation?

Ambassador FRIED. The Secretary of State's decision on the designation will be made on the basis of the facts and the law, not on even my——

Mr. SHERMAN. I didn't ask you what she is going to do or what she should do. I just asked whether the current situation impedes you and your stated goal. I mean there may be other reasons why that designation is maintained, but as long as it is maintained does it impede you in achieving your goal?

Ambassador FRIED. I have to work with the designation as long as it exists.

Mr. SHERMAN. We know that.

Ambassador FRIED. And I will do my best to work with what I have got. That decision will be made apart from my office. Secretary Clinton did say on February 29th that MEK cooperation in the closure of Camp Ashraf will be a key factor in any decision, and it is also my understanding that the State Department is prepared to make that decision within 60 days of the closure of Camp Ashraf.

Mr. SHERMAN. Is there anything in the statute that says you have to cooperate in moving into what could very well be an Iraqi Government plan for a death camp, in order not to be designated a terrorist organization? I have read the statute, and there are lots of organizations around the world that are not cooperating in their relocation. And that is not a factor, under the statute at least, in designating an organization for a terrorist organization.

My wife wants me to move or wants to move. I don't want to move. I am not willing to move. Have you designated me yet?

Ambassador FRIED. I wouldn't think of interfering in your wife's designation in any way.

Mr. SHERMAN. But the point I am making is, is there any legal basis to, in effect, require relocation in order to not be designated or continue to be designated a terrorist organization?

Ambassador FRIED. Here to, the question you raised is very close to the issues that are now being litigated. So I have to stand back, not actually my nature to do so, but it is required of me that I stand back because this is active litigation.

Mr. SHERMAN. Well, it is active litigation as to which the court was misled by the State Department's attorney. It is active litigation as to which the State Department appears to be using designation as a terrorist organization in order to push for policy changes that have nothing to do with whether one is a terrorist organization or not.

And you won't admit it on the record, but you certainly haven't argued against my belief that the fact that the MEK is designated impairs your efforts to get people relocated outside of Iraq. And if you have an argument against that conclusion I will give you a chance to—and I don't see you grabbing the microphone so I will go on unless you do want to grab the microphone.

Ambassador FRIED. I won't argue against that assertion, but I will say that the efforts of all those who want to see the residents of Ashraf safe and secure and out of Iraq, that effort will be enhanced and advanced if we work together to help the process move along as it has moved along since December. The last convoys need to leave Camp Ashraf for Camp Hurriya. Camp Ashraf should be

closed. The international community needs to step up and do its part to help people get out. And since I think it is important that all those who agree that should be the objective ought to be working together to achieve that objective, and that it is my hope that we can work together in that direction.

Mr. SHERMAN. The chairman has been very generous. And I will just conclude by saying it is by no means clear that this relocation is not an Iraqi Government first step toward mass executions. But in any case what is clear is that many of the countries in the world to which people may be relocated are democracies. And let me tell you, it would be extremely difficult for the immigration minister of any democracy to admit any person from this camp while the organization is designated by the great United States as a foreign terrorist organization. So if you are able to relocate anybody while that designation remains in place, you are doing the near impossible. But I am not sure you can do the near impossible thousands of times, and we have thousands of people to relocate.

Mr. Chairman, thank you for this indulgence.

Mr. ROHRBACHER. Yes, Mr. Sherman. We have with us Congressman Rivera, a member of this subcommittee, and he is recognized for what time he may choose to consume.

Mr. RIVERA. Thank you, Mr. Chairman. Ambassador, thank you very much for being here today. I am wondering if you could apprise the committee on two issues. One is inspections, particularly State Department inspections, the status or history or evolution of State Department inspections. And second, this issue of the belongings, the personal belongings of those in Camp Ashraf as well as these reports of confiscations and lootings and so forth. So let us start off with the inspections.

Ambassador FRIED. As I have said earlier before you came in, sir, that because there is active litigation going on about Camp Ashraf and about some of these issues, I have to be extraordinarily careful. The mandate of my office is to help move people in safety and security from Ashraf to Camp Liberty, now called Camp Hurriya, and from Camp Hurriya out of Iraq.

The issue of Camp Ashraf and inspections and all of that business is the subject of letters and motions. There is a long history to that. It is partly during the many years we had troops in Iraq it was the Department of Defense that was responsible. The State Department during my time responsible for this issue, has devoted its energies to working on the priorities I mentioned. That is, the convoys from Ashraf to Hurriya, and the living conditions at Hurriya and support of the U.N. mission which is to help get these people out of Iraq. So the issue of inspections is being handled in another venue.

I regret any expenditure of energy which will not advance the process I laid out. Our priority, it seems to me, should be to get people from Ashraf to Liberty and from Liberty out of Iraq, and to do so as quickly as we can, safely, and with consideration for basic, decent human standards.

Mr. RIVERA. Are you saying because of this ongoing litigation or these litigation concerns you can't even comment or apprise the committee as to the facts just what has happened? I imagine it is

not a secret what has happened in the past. What has gone on with inspections?

Ambassador FRIED. It is because this is—I mentioned the Department of Justice letter in the past couple of days, which has been filed with the court, which I believe answers some of these questions. I find it frustrating that a perfectly normal question, which is what you have asked, is because the topic is being litigated right now is more difficult for me to answer than I would like. But that is the odd position we are in. And I will say again, I regret the diversion of energy into an issue which does not advance the cause of my office and my department, which is helping people out of Iraq in safety and security.

Mr. RIVERA. And the letter that you recently said, is that not a letter—

Ambassador FRIED. It is a Department of Justice letter and it is part of the court filing, but I believe it has—

Mr. RIVERA. Is that on public record?

Ambassador FRIED. I mentioned it because I understand it has been filed with the court and therefore is the public record, yes.

Mr. RIVERA. All right. Do you want to apprise the committee of the contents of that letter?

Ambassador FRIED. Because it is a Department of Justice letter let me just refer it is available. I have to be very careful where matters of open litigation and the court are concerned.

Mr. RIVERA. Tell me about the belongings issue.

Ambassador FRIED. The issue of cargo property and moveable property has been one of the most contentious issues throughout the process of moving from Camp Ashraf to Camp Liberty. The residents of Camp Ashraf have taken to Liberty enormous quantities of personal effects, computers, some cars, furniture. They are online. They are communicating by email. So a lot of their personal property has been moved.

It is also true that it is the intent, we understand that it is the intent of the residents of Camp Ashraf to sell much of their moveable property. There are a large, large number of cars. It is their intention to sell it. I believe that an Iraqi businessman has already been to Ashraf and looked over some of this property. It continues to be an issue of some debate and disagreement between the residents of Ashraf and the Iraqi authorities. That is, what can be transported, what is personal property? Are street lamps personal property? What about vehicles? What about generators? These things come up frequently. The U.N., with our support, has done its best to mediate arrangements for the transport, if necessary, property. They have made some progress. In other areas more progress needs to be made.

But you are absolutely right that this is one of the issues that is part of the tough negotiations with each and every convoy. Progress has been made but there is more to do including on this issue.

Mr. RIVERA. Thank you, Mr. Chairman.

Mr. ROHRABACHER. We have joining us today another member, and not a member of the subcommittee but a respected member of the House. And I would yield to Ms. Sheila Jackson Lee, 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, let me thank you for your kindness, and certainly the kindness of the ranking member for allowing me to proceed today. Thank you. Let me also thank you for your good works on this issue. It certainly has been a very long journey, and I think America can take heart that there are sometimes a number of unique issues that there is bipartisan unity and concern that has been expressed by this committee.

To Ambassador Fried, let me thank you for your service. I think we have not been on the phone, but we have been on the phone in the past. And I think you can understand. I have heard a little bit of members' questioning and don't want to attribute frustration to their questioning, but I think you can assume that there is a great deal of frustration as to where we are.

And so I would like to start, first of all, with however we may have determined it, whether we got it by word of mouth, whether or not there are other means, can we establish as the U.S. Government that the residents of Camp Ashraf and those who have been relocated are disarmed or without arms?

Ambassador FRIED. As I said, I have got to be extraordinarily careful and cautious because some of these issues are matters under litigation. It is true as a matter of the historical record that during the period when the United States had troops in Iraq we judged that the camp was largely disarmed with no heavy equipment. That took place some years ago. This issue I have to say came up suddenly. Three weeks ago it was not on my list of things to worry about.

On my list of things to worry about are the completion of the convoys from Ashraf to Liberty in safety so that Ashraf can be closed, and very much on the mind of the U.S. Embassy in Iraq and the U.N. and the State Department generally is the issue of finding ways for the people at Camp Liberty to leave Iraq in safety and security. And that is where we want to put the bulk of our efforts. We have come this far, we are not there yet. We need to finish this process and that is going to take a lot of work. Anything that drives us backwards I am against. Anything that moves us forward I am for.

Ms. JACKSON LEE. I can totally agree with that. So let me do this without putting you in the crosshairs. I think it is very important to clear up the representation that has now taken to the airwaves and to places far beyond this room. Because the good work that you are trying to do, the good work that members have tried to encourage, some having visited the region, should not be now either tainted or undermined by the cybersphere, meaning something has gone into massive airwaves, massive hearing and massive understanding, and it makes it very difficult.

And so let me proceed in my questioning. So I am making an official request on the record to have that clarified. If you are unable to clarify it today, in whatever methods have to be utilized we need to have that clarified. And I say that because we do know remaining at Camp Ashraf are families, I believe there are children. But just by the nature of humanity I know there are people that are frail who are not as well as others, and need to have an orderly departure from the present status.

So if I missed it I apologize to my colleagues, do you have an inventory of individuals who are left in terms of age, health conditions, children, new births, et cetera? Do we have any of that?

Ambassador FRIED. We do have an approximate profile of the residents. There are few, if any children, and I have heard of no births in many years, if ever. We do have a profile. There are some who are disabled and require special care, and that has been one legitimate concern that they be given the support they need. We are learning more about the people at Camp Hurriya as the interviews proceed.

As I said earlier, and at the end of March at a conference in Geneva I announced that the United States would be receiving referrals from the UNHCR and looking at them on an individual basis. We need to step up and do our part to show that we are part of the solution in all ways, not just moving people from Camp Ashraf to Camp Hurriya, but out, and we have to show leadership. And I will be frank, the support of the Congress in this is critical, and I thank you for it, I really do, and I thank the chairman for his support.

Ms. JACKSON LEE. Mr. Chairman, could I conclude? I see you moving on that button. Can I conclude with just one round-up if I can get it, round it up?

Again, I may have missed the answer, but I believe we want to do right. It looks like we have been talking about safety and security for Camp Ashraf for a very long time. I served on this committee. I have been serving for awhile. And certainly not the time frame of my chairman, but had the privilege of having been able to serve, but I also serve on Homeland Security. So this has been in the eye of the storm for a very long time.

Could you give us today, a date when you will complete or there will be a completion of those, at least out of Camp Ashraf into Camp Hurriya, and then the process of relocating? What can we look forward to?

And I will end by this last point. I see a light at the end of the tunnel, potentially. I know that you are very sensitive. I am a lawyer to an ongoing case. But let me just publicly say, I want every manner of vetting to occur. We have Iran and the oppression of Iran in our eye, the world has it in their eye. These individuals are Iranians. However, the MEK now remains as maybe the existing opposition and resistance, but I don't know whether anyone can document today, on this day, that they are terrorists. Whatever process we can move along, we would be far better off if we are assuredly having vetted them and move them off the terrorist list. This will aid in any manner of things that I think we are all trying to do. So I will just make that point.

You look hesitant to comment, but let me just try to get a definitive time frame that you think the removal of these individuals or the relocating of these individuals can occur.

Ambassador FRIED. I can't give you a precise time frame because the movement of convoys is beyond our control. But let me try to be responsive to your question as best I can. Convoys have been about 400 persons, a little less than 400 persons per convoy. We have had five convoys, almost 2,000 people. The convoys started in February. So that is 4 months, five convoys. We don't know, assum-

ing there are between 3,200 and 3,400 people at Camp Ashraf that means three-plus convoys. The Camp Ashraf leaders suggested once the convoys could be a little bigger to get out faster. They made that suggestion at one point. Let us say three more convoys. How fast they move depend on a lot of factors beyond our control. But if you do the math, right, five convoys, 4 months, three convoys remaining, at that point your math is as good as mine. At least this is knowable. We can have an educated way to frame up the timing.

Much less knowable is the issue of resettlement, and it is important that this process begin. The people at Camp Liberty, at Camp Hurriya ought to see that there is way out, they are out of Camp Hurriya in safety and security. There have been a few that have left, but these are individuals, and we need to see that process moving ahead. That is where my office, that is where the Department of State is putting its efforts working with the U.N., the UNHCR and other interested governments. That will increasingly be and should be our priority.

You said it well, ma'am, on light at the end of the tunnel, an old cliché but it works for this. But we are not going to get there on autopilot. It is going to take at least as much work to have a good outcome as we have put into it so far. That work we are prepared to do, and it is my hope that everyone will look forward and find ways to move this ahead while we can.

Ms. JACKSON LEE. Mr. Chairman, I cannot thank you enough for your kindness, and I will just say to you as I inquire of this committee, whatever we can do, those of us who you have been courteous enough to extend time to, to join in the delisting of the MEK. I think that will go a long way for the resettlement of those who are now in Camp Ashraf.

I have just heard Ambassador Fried, who I take at his word, and I am going to compliment the administration for still staying in the fight in moving these individuals along. But if there is any hindrance by Iraq that stops a convoy from moving faster than under 4 months, let us find out what that is. And if there is any hindrance in now moving to the next step of delisting the MEK for many reasons, I hope that we can work together in a bipartisan way to provide some assistance from the Congress to move this along and move it along now.

Mr. ROHRABACHER. Thank you very much—

Ms. JACKSON LEE. I yield back.

Mr. ROHRABACHER [continuing]. Ms. Jackson Lee, and we are grateful for your involvement in this issue.

A couple of notes from the chairman, that is me. Well, how about this, Mr. Ambassador. You were at the UNHCR meeting in Geneva in March, and it was a gathering of countries that are usually receptive to refugees. In your testimony, you hint at bringing some MEK members to the United States as well as a show of leadership by doing that. That was what you mentioned, I believe you said show of leadership, which is accurate. I believe you raised this point in Geneva, and in regard to those MEK members, who have relatives in the United States, under the humanitarian parole process.

What reaction did you receive in Geneva to this reaching out on the part of the United States?

Ambassador FRIED. I believe there was a good reaction. That is, the UNHCR appreciated the fact that the United States was ready to stand up and declare our willingness to do our part. Other governments expressed their willingness to at least consider taking in people. Now a year ago, I am told, there was much less willingness. So I think a lot of governments have looked at this, looked at it again and decided that we need to move forward. I still think that a U.S. leadership will be needed. The Administration is preparing to look at UNHCR referrals, I should say on an interagency basis, not just State Department but Department of Justice, FBI, Homeland Security. We are looking at this—

Mr. ROHRABACHER. What would you say the Congress can do to help facilitate this besides, of course, not asking you pointed questions?

Ambassador FRIED. I welcome pointed questions in service of a good cause, believe me.

Mr. ROHRABACHER. It is the pointed answers we don't get back that we are worried about, but that is okay.

Ambassador FRIED. Far be it from me to suggest what Congress should do, but a general support for this aspect of the whole process. That is, if the United States is going to review referrals from the UNHCR consistent with applicable U.S. law, which is our intention, I think any sign of bipartisan support from the Congress for this course of action would be enormously encouraging not just for us. It is not that we need the thanks, it is that other governments will look at us, and if they see that, even in an election year, the executive branch and the Congress on a bipartisan basis are determined to do the right thing and move forward, that I am convinced will be a powerful and welcome signal. It will help break this free and allow us to move forward.

Mr. ROHRABACHER. Obviously I agree with that assessment. Whenever the United States Congress and the administration, Republican, Democrat, work together we are a powerful force in the world. Let me just say, obviously the point that Ms. Jackson Lee just made as well as has been made by the other members of the committee that you are not really able to fully focus on for whatever reasons, I understand, that taking them off the terrorist list we all believe would facilitate this solution that we are talking about and would also have an incredible impact overseas.

Let me just say in passing on this that issue has been discussed. We realize just from your answers there is limitations about what you can say. But my belief is is that, and I am not condemning you for this, I am saying that you are a good soldier. You are a troubleshooter that comes in and tries to help our country get out of messes that somebody else created. I understand that. But I think that our State Department is being overly sensitive to the feelings of murderous regimes that are now in power in Iraq and Iran.

And I say murderous regimes because I was kicked out of Iran, along with Mike Hodel, after bringing up the Camp Ashraf murders to President Maliki who just didn't want to hear about that. I think that ignoring the slaughter of innocent people is not going to make things better when you are dealing with regimes like Iraq and Iran. I understand they are still in power there, and thus we have other thousands of people to be concerned about. The thou-

sands of people at Camp Ashraf—if we hurt their feelings we ought to go and slaughter those people too. So I understand you are trying to save lives. But I think that people who are engaged in such activity don't really respect it when you are overly sensitive to their feelings.

It seems to me that what we are talking about, Ms. Lee, is that there has been a dishonorable deal made somewhere along the line in our, not this administration, not, who knows, last administration, who knows when, but there has been a dishonorable deal somewhere along the line with the mullah regime in Iran that we will not support opponents of the regime. And I think that was very indicative or very demonstrable, when the Arab Spring demonstrations in Tehran were taking place our Government was noticeably silent in support for those demonstrators in the streets of Tehran against the mullah dictatorship. And I think that that same kind of, that that indicates that there was some sort of understanding reached with the mullahs. And of course now, part of that understanding could well be that we will not be supporting the MEK in any way which the mullahs look as very symbolic to people who are resisting their dictatorship.

If, indeed, such a deal has been struck, which people are trying to enforce now while saving the lives of these MEK people, it was a dishonorable deal to begin with. And I know how difficult it would be then at this point to try to save the lives of these people and still keep that deal if the mullahs look at the MEK as they do as opponents to the regime. And what is the difference between a freedom fighter and a terrorist? Well, there is a difference between a freedom fighter and a terrorist. Freedom fighters want to institute freedom and democracy and fight soldiers, and terrorists kill innocent people in order to terrorize populations into submission.

A little bit about, before we rang up here, we are talking about, the fly in the ointment here from what I am understanding from your testimony, is that the people of Camp Ashraf who are still there said they don't want to leave unless there is an inspection to verify that there aren't any weapons there. Now why in the world would someone like that in that situation make that demand? Well, I think that is totally rational. And maybe you can tell me where I am wrong, but we have a situation where—well, first of all, if whence they leave they have to realize who then would verify that there aren't any weapons. It would have to be the Iraqis or the Iranians who would be verifying that which, of course, would be unacceptable. I mean you can't believe whatever they would tell you. They may well plant weapons.

The other thing is that the residents of Camp Ashraf remember full well when our Government had made an agreement to protect them. And they remember full well that our troops were asked to retire and leave the area just prior to a genocidal attack of Iraqi troops in which you had innocent people slaughtered. Over 30, 35 people were murdered, 300 were wounded. And our troops withdrew right before that attack. Now that would kind of eat at peoples' ability to maybe just trust us that we are going to do the right thing, and then maybe that is the reason you want to make sure that this is verified while they still have a chance to verify it.

And by the way, this subcommittee has been denied permission to investigate that incident. We have been denied the ability—this is the Oversight and Investigations Subcommittee who has been denied the right to investigate this slaughter of people who under the protection of the United States Government. And we have been denied that as well as a number of other aspects of the MEK listing as a terrorist organization.

So I am sure none of these were decisions that you made years ago, but now they have thrown you into the position of having to come here and face this questioning and answer with the type of answers that you have given us today. I wish you luck. I wish you success. I hope that we get these people out of there and we get them over to Camp Liberty and then we get them to countries around the world that will accept them. And with everything I just said I know what a tough job you have got, and we are going to work with you, but we are still going to put this administration and our Government on the spot when they make decisions like the one we are talking about that lead us to this situation.

Ms. JACKSON LEE. Mr. Chairman?

Mr. ROHRABACHER. All right, you wanted to——

Ms. JACKSON LEE. Introduce——

Mr. ROHRABACHER. Yes, I will be happy to yield for moment.

Ms. JACKSON LEE. Mr. Chairman, I know from your heart you are looking forward to working with the administration in trying to get something done. If I might ask unanimous consent that may put a light on this. Obviously I am not reading a classified document, but I think it is a document that you read, and that is the Wall Street Journal, dated May 14th, 2012.

“Iran Exile Group Nears U.S. Rebirth. The State Department is moving to take MEK off ban list at risk of angering Iran.” And if I might just briefly say as I submit this one page into the record and as unanimous consent, “The Obama administration is moving to remove an Iranian opposition group from the State Department’s terrorism list, say officials briefed on the talks, in an action that could further,” they use the word “poison,” “Washington’s relations with Tehran at a time of renewed diplomatic efforts to curtail Iran’s nuclear program.”

I think the basis of it is that there is a rumor. And I would like to ask unanimous consent to put this in the record and hope that this will ultimately bear fruit. But it is from the Wall Street Journal.

Mr. ROHRABACHER. With no objections, so ordered.

[The information referred to follows:]

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Iran Exile Group Nears U.S. Rebirth

State Department Is Moving to Take MeK Off Banned List at Risk of Angering Iran

By JAY SOLOMON And EVAN PEREZ



Reuters

Iranian families who were prevented by Iraqi security forces from entering Camp Ashraf to visit family members in December protested the move.

Bloody Past

Mujahed-in-e Khalq has allegedly killed Americans, Iranians

1965 Three college students found MeK in Tehran.

1970s MeK backers opposed to the Shah assassinate U.S. officials, the U.S. says.

1981 MeK operatives set off bombs that kill more than 70 members of Iran's Islamic Republic Party, Iran says.

1986 MeK relocates operations to Iraq and allies with dictator Saddam Hussein.

WASHINGTON—The Obama administration is moving to remove an Iranian opposition group from the State Department's terrorism list, say officials briefed on the talks, in an action that could further poison Washington's relations with Tehran at a time of renewed diplomatic efforts to curtail Iran's nuclear program.

The exile organization, the Mujahedin-e Khalq, or MeK, was originally named as a terrorist entity 15 years ago for its alleged role in

1988 Iran repels MeK cross-border attack, leading to the executions of thousands of its supporters inside Iran.

2002 MeK's political wing presents intelligence accusing Iran of secretly developing nuclear sites.

2003 MeK renounces terrorism after Hussein's fall and the U.S. capture of Camp Ashraf. Residents are given 'protected persons' status under the Geneva Convention.

2011 U.S. and Iraq agree to relocate MeK members out of Camp Ashraf.

May, 2012 U.S. says it will decide on whether to remove MeK from a terrorism list 60 days after Camp Ashraf closes.

assassinating U.S. citizens in the years before the 1979 Islamic revolution in Iran and for allying with Iraqi strongman Saddam Hussein against Tehran.

The MeK has engaged in an aggressive legal and lobbying campaign in Washington over the past two years to win its removal from the State Department's list. The terrorism designation, which has been in place since 1997, freezes the MeK's assets inside the U.S. and prevents the exile group from fundraising.

Senior U.S. officials said on Monday that Secretary of State Hillary Clinton has yet to make any final decision on the MeK's status. But they said the State Department was looking favorably at delisting MeK if it continued cooperating by vacating a former paramilitary base inside Iraq, called Camp Ashraf, which the group had used to stage cross-border strikes into Iran.

The group has already renounced terrorism, which was the main earlier sticking point. Residents have resisted leaving the camp because they feared retribution if they were returned to Iran and political irrelevancy abroad.

The U.S. officials said Mrs. Clinton would make her final decision on the MeK's status no less than 60 days after the last MeK member is relocated from Camp Ashraf to a new transit facility near Baghdad International Airport. The U.S. is working with the United Nations to resettle Camp Ashraf residents in third countries. Roughly 1,200 people remain at the camp from an earlier population of over 3,000.

"The MeK's cooperation in the successful and peaceful closure of Camp Ashraf...will be a key factor in her decision regarding the MeK's [foreign-terrorist organization] status," said State Department spokeswoman Victoria Nuland on Monday.

Western and Iranian diplomats are concerned that the MeK issue could draw serious recriminations from Tehran, which has been fixated on neutralizing the group. Many of Iran's top leaders, including Supreme Leader Ayatollah Ali Khamenei, were targets of MeK attacks during the 1980s.

Iran has regularly accused Western countries of hypocrisy for providing shelter to MeK members while criticizing Tehran's support for militant groups, such as Hezbollah in Lebanon and Hamas in the Palestinian territories. "We believe that despite the claims that others make about fighting terrorism, they [Western nations] provide the most support for terrorist groups," Iran's foreign ministry spokesman, Ramin Mehmanparast, said last week. "In Europe, the MeK has already been removed from the list of terrorist organizations and they are completely safe to continue their activities."

U.S. officials said that the moves weren't related to coming nuclear talks, but are tied to the MeK's legal challenge to its designation in a Washington appeals court.

A judge ordered the State Department to review the MeK's status nearly two years ago, and congressional rules maintain the process should take only 180 days.

"There is a great deal of animosity among Iranian officialdom toward the MeK. But our delisting has to be done by the facts and the law," said a senior U.S. official. "Any move to delist should not be seen as a sign of our support."

Other officials briefed on the MeK issue said Mrs. Clinton purposefully tied the closing of Camp Ashraf to the designation issue to defuse a thorny diplomatic issue between Washington and Baghdad. The U.S. military had provided security at the camp before pulling its forces from Iraq last year. Baghdad now controls the camp and has threatened to return MeK members to Iran if it isn't swiftly closed.

These officials stressed that Mrs. Clinton could still rule against delisting the MeK due to other information gathered on its role in terrorism. But they acknowledged it would be difficult politically for Mrs. Clinton to maintain the designation after publicly stating the importance of the Camp Ashraf issue.

"The secretary's statement was clear that there's a relationship between delisting and closing Ashraf. It is also true that we are making progress," said an official briefed on the deliberations. "To make that assertion on your own that the MeK will be removed is a realistic one. But in policy making you never know for sure what will happen."

The MeK's status has become an explosive political issue inside Washington and a major irritant in U.S.-Iranian relations. The group, despite its history of terrorism and anti-Americanism, reoriented itself after Saddam Hussein's 2003 fall and the capturing of Camp Ashraf by U.S. forces, the MeK renounced violence and turned over its weapons. And it has cooperated with the U.S. and U.N. in gathering intelligence on Iran's nuclear program.

This ideological shift by the MeK has been accompanied by an intensive lobbying campaign on Capitol Hill. A number of former senior U.S. officials said they were offered payments to speak on behalf of the MeK, including James Jones, President Barack Obama's former national security adviser, and James Woolsey, the former head of the Central Intelligence Agency.

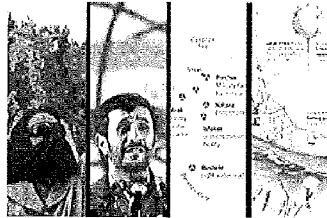
Mr. Jones confirmed last year that he received a fee, but declined to specify how much. Mr. Woolsey said he waives his usual speaker's fee.

Spotlight on Iran

Take a look at key dates in the U.S.-Iran relationship and recent international sanctions, details on major players, a map of major nuclear sites, and possible naval strategies.

The Treasury Department has an continuing inquiry into payments made to MeK advocates, for possible violation of sanctions that prohibit financial dealings with terrorist groups. It is unclear how any delisting would affect that probe.

The deliberations over the MeK's status come as the five permanent members of the U.N. Security Council, plus Germany, are gathering in Baghdad next week for negotiations with Iran aimed at curbing its nuclear program. Officials



More photos and interactive graphics

from the U.N.'s International Atomic Energy Agency met Monday with Iranian officials in Vienna and pressed for greater access to the country's nuclear facilities. Diplomats and Iran analysts worry that any moves to delist the MeK could result in Iran driving up its demands at the negotiating table. Tehran denies it is seeking nuclear weapons, but also says it needs advanced weapons systems to guard against the U.S. and other hostile states. The MeK issue will likely be perceived in Tehran as another American-led effort to topple Iran's theocratic government,

these analysts said.

"In the cynical, conspiratorial world view of the Iranian regime, delisting the MeK will be interpreted in Tehran as validation that Washington's underlying goal is regime change, not behavior change," said Karim Sadjadpour of Washington's Carnegie Endowment for International Peace.

Critics of the MeK allege that the organization has no major support inside Iran and that its leaders, who are based outside Paris, run the group like a cult. They also worry that any perceived U.S. support for it could undercut the Iranian opposition, known as the Green Movement, which pushed for democratic change during 2009 street protests.

Still, the organization has large support on Capitol Hill. And some lawmakers are seeking to use the possible delisting of the organization to begin providing U.S. financial support. Congress took similar steps in the 1990s to provide funding to Iraq's opposition and, in particular, the exiled politician, Ahmad Chalabi.

"If there's a coalition against the mullahs, then we should fund that coalition, and the MeK should be a part of it," said Rep. Dana Rohrabacher (R., Calif.). He cautioned that for now, he wasn't advocating directly funding MeK. "The MeK has the resources to resist and fight the mullah dictatorship. They don't need our money, they just need us to get out of the way and take the shackles off."

—Farnaz Fassihi contributed to this article.

Write to Jay Solomon at jay.solomon@wsj.com and Evan Perez at evan.perez@wsj.com

A version of this article appeared May 15, 2012, on page A10 in the U.S. edition of *The Wall Street Journal*, with the headline: *Iran Exile Group Nears U.S. Rebirth.*

SmartMoney Glossary: aggressive,

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Mr. ROHRABACHER. And with that said I might note to my colleague, she wasn't here when this was announced, that the minute that this hearing is going to be adjourned, which should be within 30 seconds of now, it will be adjourned, but we will have a briefing by General David Phillips who oversaw security at Camp Ashraf, to give us a briefing on what he knows about this issue.

So with that, thank you. And Mr. Ambassador, thank you for coming.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Mr. ROHRABACHER. And this hearing is adjourned.

[Whereupon, at 4:45 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

Subcommittee on Oversight and Investigations
Dana Rohrabacher (R-CA), Chairman

May 15, 2012

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Oversight and Investigations, to be held in **Room 2200 of the Rayburn House Office Building** (and available live via the Committee website at <http://www.hcfa.house.gov>):

DATE: Wednesday, May 16, 2012

TIME: 2:30 p.m.

SUBJECT: Status of the Processing of the Camp Ashraf Residents

WITNESS: The Honorable Daniel Fried
Special Advisor on Ashraf
U.S. Department of State

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Oversight and Investigations HEARINGDay Wednesday Date 5/16/2012 Room 2200 RayburnStarting Time 3:25 pm Ending Time 4:45 pmRecesses n/a (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Dana Rohrabacher

Check all of the following that apply:

Open Session ☒Executive (closed) Session ☐Televised ☒Electronically Recorded (taped) ☒Stenographic Record ☒

TITLE OF HEARING:

Status of the Processing of the Camp Ashraf Residents

SUBCOMMITTEE MEMBERS PRESENT:

Chairman Dana Rohrabacher, Ranking Member Russ Carnahan, Rep. Ted Poe and Rep. David Rivera

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

*Rep. Brad Sherman and Rep. Shelia Jackson-Lee**HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

*Prepared Statement of Ambassador Daniel Fried**Statement and Document from Col. Wes Martin (ret.) submitted by Rep. Poe**Letter to Secretary of State Clinton and questions for the record submitted by Rep. Sherman**Wall Street Journal article, "Iran Exile Group Nears US Rebirth" submitted by Rep. Jackson-Lee*

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 4:45 pm
Subcommittee Staff Director

Questions for the Record of the Honorable Brad Sherman
Committee on Foreign Affairs, U.S. House of Representatives
Hearing: "Status of the Processing of the Camp Ashraf Residents"
May 16, 2012

For the Department of State:

Beginning in February 2012, members of the Iranian opposition group, the People's Mojahedin Organization of Iran (PMOI/MeK) began to relocate to Camp Liberty from Camp Ashraf in Iraq in a move the Department of State viewed as a necessary step for their resettlement outside Iraq. The difficult and unsustainable living conditions in Camp Liberty notwithstanding, reportedly not a single member of the MeK relocated to Liberty has since been resettled outside Iraq.

1. Why has the Department of State not concluded its court-mandated review of the MeK designation?
2. What is the Department's plan for the safe resettlement of those already in Camp Liberty to third countries?
3. Will the remaining people of Camp Ashraf, and those now in Camp Liberty, be allowed to have access to their lawyers and their families? Why are living conditions in the camp so poor?

[NOTE: Responses to the above questions were not received prior to printing.]

